

The Honorable John H. Chun

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

AMAZON.COM, INC., *et al.*,

Defendants.

No. 2:23-cv-0932-JHC

AMAZON.COM, INC.'S OBJECTION
TO FTC'S UNTIMELY [PROPOSED]
ORDER FINDING AMAZON.COM
WITHHELD MATERIAL IN BAD
FAITH

Amazon objects to the FTC's new "[Proposed] Order," Dkt. 399, in support of its Motion for Sanctions, Dkt. 286. The new [Proposed] Order improperly seeks new relief and findings that the FTC did not request in its original [Proposed] Order, and for which the FTC has not satisfied its burden of proof. *See* Dkt. 286-1.

Specifically, the FTC now asks the Court to make specific factual findings, and to "not entertain a motion from Amazon" to "make affirmative use of" the downgraded documents. The new [Proposed] Order effectively constitutes an improper and untimely request for reconsideration in violation of Local Civil Rule 7(h); indeed, the Court's June 23, 2025 order already ruled that Amazon may seek leave to affirmatively use recently produced documents and any disputes about that use can be addressed at that time, Dkt. 371. And the FTC's request that the Court not entertain any motion from Amazon would preclude this Court from reconsidering its own evidentiary rulings. *See Ohler v. United States*, 529 U.S. 753, 758 n.3 (2000) ("In limine

1 rulings are not binding on the trial judge, and the judge may always change his mind during the
2 course of trial.”).

3 For these reasons, and those identified in Amazon’s Opposition Brief, Dkt. 302, and
4 stated on the record at the July 2, 2025 hearing, the Court should not adopt the FTC’s new
5 [Proposed] Order. *See also* Dkt. 286 at 14 (FTC motion identifying specific relief sought,
6 without proposed factual findings).

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8 DATED this 8th day of July, 2025.

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